

Steering Committee on Arizona Appellate Case Processing Standards

December 9, 2015

9:30 a.m. to 11:30 a.m.

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 230

APPROVED on 01/20/2016

Committee Members Present: Justice Ann A. Scott Timmer (Chair), Ms. Janet Johnson, Judge Michael J. Brown, Dr. William Mangold, Ms. Kimberly Demarchi, Ms. Patsy Lestikow representing Ms. Ruth Willingham, and **Appearing Telephonically:** Judge Peter J. Eckerstrom, Mr. Jeffrey Handler

Administrative Office of the Courts Staff Present: Ms. Summer Dalton, Ms. Jerri Medina

A. Welcome and Opening Remarks

The Chair called the first meeting of this Committee to order at 9:30 a.m. Following roll call and introductions the Chair welcomed the members and thanked them for their participation. She noted that the Committee would be reviewing the Model Time Standards for Appellate Courts developed by the National Center for State Courts (NCSC) in tandem with the Arizona Appellate CourTools measures that are currently in place. The Committee is required to submit a report by early March 2016 recommending whether to adopt the national standards or other standards. Any standards adopted will make our appellate courts more transparent to the public and allow for comparison to each other and with other appellate courts across the nation. This is part of an ongoing effort to implement case processing standards across Arizona.

B. Overview of Appellate CourTools

The Chair provided an overview of CourTools and how they are currently used by the appellate courts. Currently, the appellate courts utilize the following measures: Case Clearance, Age of Pending Case Load, Time to Disposition, and biennial surveys to superior court judges, appellate attorneys, and court employees. A definition of the statistical measures was provided and discussed.

C. What is Occurring Nationally?

The Chair provided a brief overview of appellate time standards from a national perspective. The Conference of Supreme Court Chief Justices (CCJ) and the Council of State Court of Administrators (COSCA) formed a committee in 2013/2014 to establish national standards for appellate courts. The committee established model time standards for civil and criminal case types in appellate courts. The appellate model time standards recognize the differences between intermediate appellate courts and the courts of last resort by setting separate standards for each.

The model time standards provide a foundation from which states can define standards. This Committee was directed by Chief Justice Scott Bales to use the model guidelines as a starting point to recommend standards for Arizona.

D. Where Does Arizona fit in?

Ms. Summer Dalton presented to the committee statistical information regarding how the Arizona Appellate Courts fare under the national model time standards. She discussed some of the measurement differences between CourTools versus the model time standards. Ms. Dalton also pointed out that Arizona CourTools draw upon stages of a case which were not contemplated in the model time standards. The committee discussed the interplay of CourTools with any standards adopted.

E. Discuss Plan for Arizona

The Chair explained that Chief Justice Bales anticipates final recommendations by March 1, 2016. The constraints of the court's electronic case management systems should be taken into account when recommending standards and implementation plans. The ability to derive accurate information from the case management system will be imperative in measuring performance under any adopted standards.

The Committee's work is viewed to be achievable in three stages; 1) determine standards, 2) test the recommended standards to verify that technology can support the reporting requirements, and 3) create the final report for the Chief Justice.

Discussion ensued regarding the common stages of a case and where the delays may be occurring. An exploratory discussion included the need to determine if standards should be set at stages rather than solely from initial filing to disposition. The Committee discussed whether criminal and civil case standards were sufficient or if other case types such as family and juvenile should have separate standards. There was general support to separate family and juvenile cases from civil cases, but committee members will discuss this topic further at the next meeting.

F. Future Meeting Dates

January 14, 2016 at 9:30am (*amended following the meeting to January 20th due to scheduling conflicts*)

February 11, 2016 at 9:30am

G. Future Tasks

Ms. Summer Dalton will put together information to outline where delays are currently occurring in the case flow processes and also identify areas over which the court has control.

Committee members be prepared before the next meeting to discuss whether and to what extent the national standards should be adopted and whether any standards should be set for different stages in a case.

Discussion suggested that an additional member from the criminal bar might be advantageous to the committee. Justice Timmer will address that issue with the Chief Justice.

Requests for comments will be sent out to various legal employers and groups across the state. The committee was shown the website where public comments can be provided. The Website is: <http://www.azcourts.gov/cscommittees/Committee-on-Arizona-Appellate-Case-Processing-Standards/comments>.

H. Call to the Public/ Adjournment

There was no response to a call to the public and the meeting adjourned at 11:28am at the State Courts Building, 1501 West Washington, Room 230.